

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WA (DMR)

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
FILE JURY INSTRUCTIONS,  
VERDICT FORMS, AND TRIAL  
BRIEFS**

Judge: Honorable William Alsup

**STIPULATION**

WHEREAS, pursuant to the Court's scheduling order, and the Court's Order of October 6, 2011, the parties are to file joint jury instructions, briefing on any disputed instructions, proposed verdict forms, proposed voir dire, and a joint pre-trial order, on October 12, 2011;

WHEREAS, the parties have been meeting and conferring in an attempt to work out their differences in the various components of the filing;

WHEREAS, the attorney for Oracle with primary responsibility for negotiating and briefing the jury instructions, who also shares responsibility for the trial brief, is unexpectedly unavailable due to a family medical emergency;

WHEREAS, the Court has indicated that the pre-trial conference that was scheduled for October 17, 2011, will be moved to the afternoon of October 24, 2011; and

WHEREAS, the parties acknowledge and agree that a limited extension of time to file joint jury instructions, briefing on any disputed instructions, proposed verdict forms, and trial briefs will not affect, delay, or push back any other deadlines in this case.

**NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:**

1. The parties will continue to meet and confer over the next several days to resolve issues that can be resolved and narrow areas of dispute, and thereafter file the joint jury instructions, briefing on any disputed instructions, proposed verdict forms, and trial briefs on October 14, 2011.

2. No other deadlines in this case will be affected by the foregoing extensions. The parties will file proposed voir dire questions and the joint pre-trial order on October 12, 2011. The parties will not use these extensions to argue for a delay of the trial date or any other deadlines in this case.

**ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable William Alsup  
Judge of the United States District Court

Dated: October 11, 2011

MORRISON & FOERSTER LLP

By: /s/Fred Norton

MORRISON & FOERSTER LLP  
MICHAEL A. JACOBS (Bar No. 111664)  
mjacobs@mofo.com  
MARC DAVID PETERS (Bar No. 211725)  
mdpeters@mofo.com  
DANIEL P. MUINO (Bar No. 209624)  
dmuino@mofo.com  
755 Page Mill Road  
Palo Alto, CA 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP  
DAVID BOIES (Admitted *Pro Hac Vice*)  
dboies@bsfllp.com  
333 Main Street  
Armonk, NY 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300  
STEVEN C. HOLTZMAN (Bar No. 144177)  
sholtzman@bsfllp.com  
1999 Harrison St., Suite 900  
Oakland, CA 94612  
Telephone: (510) 874-1000  
Facsimile: (510) 874-1460

ORACLE CORPORATION  
DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA (Bar No. 211600)  
matthew.sarboraria@oracle.com  
500 Oracle Parkway  
Redwood City, CA 94065  
Telephone: (650) 506-5200  
Facsimile: (650) 506-7114

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

Dated: October 11, 2011

KEKER & VAN NEST LLP

By: /s/Matthias A. Kamber

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST (SBN 84065)  
rvannest@kvn.com  
CHRISTA M. ANDERSON (SBN184325)  
canderson@kvn.com  
710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

KING & SPALDING LLP  
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
ROBERT F. PERRY  
rperry@kslaw.com  
BRUCE W. BABER (*Pro Hac Vice*)  
bbaber@kslaw.com  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

KING & SPALDING LLP  
DONALD F. ZIMMER, JR. (SBN 112279)  
fzimmer@kslaw.com  
CHERYL A. SABNIS (SBN 224323)  
csabnis@kslaw.com  
101 Second Street - Suite 2300  
San Francisco, CA 94105  
Telephone: (415) 318-1200  
Facsimile: (415) 318-1300

GREENBERG TRAURIG, LLP  
IAN C. BALLON (SBN 141819)  
ballon@gtlaw.com  
HEATHER MEEKER (SBN 172148)  
meekerh@gtlaw.com  
1900 University Avenue  
East Palo Alto, CA 94303  
Telephone: (650) 328-8500  
Facsimile: (650) 328-8508

*Attorneys for Defendant*  
GOOGLE INC.

**ATTESTATION**

I, Fred Norton, am the ECF User whose ID and password are being used to file this  
STIPULATION AND [PROPOSED] ORDER TO EXTEND FACT DISCOVERY CUT-OFF  
AND DUE DATES FOR EXPERT REPORTS. In compliance with General Order 45, X.B., I  
hereby attest that Fred Norton and Matthias A. Kamber have concurred in this filing.

Date: October 11, 2011

/s/\_\_\_\_\_